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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/216,457 12/18/98 CONNELLY

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WM02/0604

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WASHINGTON DC 20005

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/216,457

Applicant(s)

CONNELLY, JAY H.

Examiner

Angela A. Armstrong

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,8-13,15,16,19 and 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,8-13,15,16,19 and 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 3-4, 8-13, 15-16, 19, 21-36 rejected under 35 U.S.C. 102(e) as being anticipated by Meunier et al. (US Patent No. 6,134,527).

3. Regarding claims 3, 8, 13, 15, 21-23, 25-29, 31-36, Meunier et al. teaches

A Table associated with a plurality of candidate audio commands at col. 3, lines 6-8; col. 6, lines 62-67; Abstract;

Comparing candidate commands with previously registered audio commands to develop an accuracy value at Figures 2 and 4; col. 4, lines 58-67; col. 5, lines 1-12; and col. 6, lines 38-56;

Adding the candidate command if associated accuracy values exceed a predetermined value at Figures 2 and 4; col. 4, lines 58-67; col. 5, lines 1-12; and col. 6, lines 38-56.

4. Regarding claims 4 and 16, accuracy value determined using an acoustical pattern matching procedure is taught by Meunier at col. 6, lines 1-9.

5. Regarding claims 9-11, speech-enabled apparatus includes a computer...coupled to a device using a serial connection...parallel connection...wireless connection...device includes computer...telephone, is taught by Meunier at col. 6, lines 62-67.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 19, 24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meunier et al. in view of Lasar (US Patent No. 4,275,266).

Meunier et al. teach everything claimed as applied to claims 8, 13, 21 and 26.

8. Regarding claims 12, 19, 24, and 30, Meunier et al do not specifically teach that the sound command includes a tone. However, refer to Lasar who teaches the control of a machine or a device via tones generated by a human user of an instrument. Lasar teaches that the system can be used to create automatic telephone systems for dialing, controls systems for disabled persons and systems which enable doctors to control life support systems during emergency situations.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the vocabulary testing enrollment system of Meunier to include tones as sound commands as taught by Lasar, for the purpose of ensuring that applications which allow for control of systems via tune commands do not allow tones to be added to the system that are acoustically similar to previously enrolled tones/commands, as taught by Meunier et al.

Response to Arguments

9. Applicant's arguments with respect to claims 3-4, 8-13, 15-16, 19, and 21-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petroni et al. (US Patent No. 5,987,411) teaches methods and systems for testing candidate phrases with previously enrolled phrases to determine if the phrases are confusingly similar.

Gardner et al. (US Patent No. 5,754,977) teaches a system and method for preventing enrollment of confusable patterns in a database.

Riley et al. (US Patent No. 5,737,723) teaches a system for detecting confusable words used in speech recognition systems.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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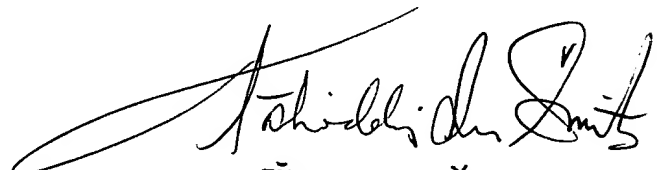
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 703-305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA
May 30, 2001



TĀLNĀLDIS IVARS ŠMITS
PRIMARY EXAMINER